

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-10 have been canceled and claims 11-20 remain in this application.

Phone Interview

Drawings

Applicants below signed attorney, John Wright, appreciates the time spent by the examiner in discussing the drawing issue (drawing not submitted with application) noted by the examiner during a phone interview conducted on May 16, 2008. Applicants' attorney directed the examiner attention to the publication (US 2006/0232392), where the drawing is shown. Regardless, Applicants' attorney is resubmitting the drawing as a "New Sheet" at the request of the examiner. Accordingly, the drawing issue is believed to be resolved.

Rejections Under 35 USC § 103(a)

Applicants respectfully traverse the rejection of claims 11-20 as being unpatentable over Zarybnicky, Sr. et al. (US5,825,287, referred to hereafter as "Zarybnicky") in view of Korody (US4,850,454, referred to hereafter as "Korody"). For at least the following reasons, the claims are believed to be in condition for allowance.

Claim 1 provides a brake pad wear indicator device having a primary display device that is operative to provide continuous display for indicating a wear condition for one inner brake pad and one outer brake pad and providing a continuous differentiation wear display showing the difference in wear between the inner and outer pad; and where the secondary display device is operative to display at least one functionality display for the vehicle brakes.

In contrast, as acknowledged by the Examiner, Zarybnicky does not disclose or suggest a brake pad wear indicator having a display providing a continuous differentiation wear display showing the difference in wear between the inner and outer pad, and so, the examiner combines Korody with Zarybnicky in an effort to provide the missing limitation. The examiner directs our attention to Column 2, lines 20-47 of Korody to

provide the missing limitation; however, what is disclosed over these lines is disclosure of how a display is activated to indicate excessive wear of one or both pads 16, 18 without any suggestion that a continuous differentiation of wear between the separated pads 16, 18 be continuously displayed. Korody teaches that a signal is only generated upon sufficient wear to the respective linings 20, 21 of the individual pads 16, 18 to require service of the respective pad 16, 18. Upon sufficient wear of the lining 20 of the pad 16, the projection portion 17 wears away plastic surface 54 in order to come into contact with a metal conductor 55. Only at the time of electrical contact between the projection 17 and the conductor 55 is a signal generated. In addition, as the lining 21 of the pad 18 wears, the caliper 22 moves axially inwardly until sufficient wear has occurred to the lining 21 to cause the caliper portion 23 to wear through the plastic ramp surface 52 to make electrical contact with the conductor 55, thereby causing a signal to be generated. So, again there is no indicator signal generated until it is time to service the pad 18, nor is there any disclosure or suggestion to provide a continuous differentiation wear display showing the difference in wear between the inner and outer pad 16, 18. With the teaching of Korody, as long as the brake pads 16, 18 are within their normal wear limits (not requiring service), no indication is provided at all. If one brake pad is worn above this limit (requiring service), only at this time is a signal generated to indicate a "service required" condition. This signal does not indicate the actual amount of wear, but rather, it only indicates that wear beyond a predetermined limit has occurred. Accordingly, there is no continuous signal, nor a continuous differentiation indication wear display as required by applicants' claimed indicator. Being able to derive that a situation (service required) is present is not the same as providing clear and unambiguous indication of the continuous progression up to and during the occurrence.

Accordingly, claim 1 is believed to define patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

Claims 12-20 are ultimately dependent on claim 11, and thus, are believed to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

Appln. No.: 10/559,563

Reply to Office action of February 20, 2008

It is believed that this application now is in condition for allowance. As such, further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

DICKINSON WRIGHT PLLC

5-19-08
Date

/John D. Wright/
John D. Wright, Registration No. 49,095
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, Michigan 48304-2970
(248) 433-7390